

## Title 122 - NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY

### Chapter 5 - IDENTIFICATION OF UNDERGROUND SOURCES OF DRINKING WATER AND EXEMPTED AQUIFERS

001 The Director may identify (by narrative description, illustrations, maps, or other means) and shall protect, as underground sources of drinking water, all aquifers or parts of aquifers which meet the definition of an underground source of drinking water. Even if an aquifer has not been specifically identified by the Director, it is an underground source of drinking water if it meets the definition.

002 Upon petition by a permit applicant and after public notice and opportunity for a public hearing, the Director may designate an aquifer or a portion thereof as an exempted aquifer.

003 The petitioner must identify (by narrative description, illustrations, maps or other means) and describe, in geographic and/or geometric terms (such as vertical and lateral limits and gradient) which are clear and definite, an aquifer or parts thereof which he or she proposes the Director designate an exempted aquifer and effects of exemption of the aquifer from Nebraska Title 118 - Ground Water Standards and Use Classification. Petition can be made only after the permit application has been submitted and the information required in Chapter 11 of this Title is completed.

004 An aquifer or a portion of an aquifer which meets the criteria for an underground source of drinking water may be designated as an exempted aquifer if the following criteria are met:

004.01 It does not currently serve as a source of drinking water; and

004.02 It cannot now and will not in the future serve as a source of drinking water because:

004.02A It is mineral, hydrocarbon or geothermal energy bearing with production capability;

004.02B It is situated at a depth or location which makes recovery of water for drinking water purposes economically or technologically impractical;

004.02C It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or

004.02D It is located above a Class III well mining area subject to subsidence or catastrophic collapse.

005 The Department will require an individual permit for injection into an exempted aquifer in order to protect underground sources of drinking water outside the exempted aquifer which may be subject to pollution caused by the injection.

006 After public notice and opportunity for public hearing, the designation of an exempted aquifer may be removed by the Director thereby eliminating the exempt status, provided required restoration has been accomplished.

Enabling Legislation: Neb. Rev. Stat. §§ 81-1504(2)(9)(13); 81-1505(1)(9)(16)

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